

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

HENRY M. DAVIS,

Plaintiff,

vs.

MICHAEL WHITE and  
CITY OF FERGUSON, MISSOURI,

Defendants.

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Case No. 4:10-CV-1429 MLM

**PLAINTIFF'S ANSWER TO DEFENDANT MICHAEL WHITE'S COUNTERCLAIM**

COMES NOW Plaintiff Henry M. Davis (hereinafter "Plaintiff"), by and through his attorney, and for his Answer to Defendant Michael White's Counterclaim ("Defendant White's Counterclaim"), and states and alleges as follows:

1. Plaintiff is without sufficient information upon which to form a belief as to the truth of the allegations contained in Paragraph 1 of Defendant White's Counterclaim and therefore denies each and every allegation contained therein.

2. Plaintiff denies the allegations as stated in Paragraph 2 of Defendant White's Counterclaim.

3. Plaintiff denies the allegations as stated in Paragraph 3 of Defendant White's Counterclaim.

4. Plaintiff denies the allegations as stated in Paragraph 4 of Defendant White's Counterclaim.

5. Plaintiff denies the allegations as stated in Paragraph 5 of Defendant White's Counterclaim.

6. Plaintiff denies the allegations as stated in Paragraph 6 of Defendant White's Counterclaim.

7. Plaintiff denies the allegations as stated in Paragraph 7 of Defendant White's Counterclaim.

8. Plaintiff denies the allegations as stated in Paragraph 8 of Defendant White's Counterclaim.

9. Plaintiff denies the allegations as stated in Paragraph 9 of Defendant White's Counterclaim.

10. Plaintiff denies the allegations as stated in Paragraph 10 of Defendant White's Counterclaim.

11. Plaintiff denies the allegations as stated in Paragraph 11 of Defendant White's Counterclaim.

12. Plaintiff denies the allegations as stated in Paragraph 12 of Defendant White's Counterclaim

### **AFFIRMATIVE DEFENSES**

#### **First Affirmative Defense**

Defendant White's Counterclaim fails to state a claim upon which relief can be granted.

#### **Second Affirmative Defense**

Defendant Michael White's claim is barred in whole or in part by the doctrines of waiver, laches, and estoppel.

#### **Third Affirmative Defense**

Defendant Michael White has failed in whole or in part to mitigate his damages.

#### **Fourth Affirmative Defense**

Defendant Michael White's claim is barred by the doctrine of unclean hands.

WHEREFORE, Plaintiff, having fully answered the allegations contained in Defendant White's Counterclaim, prays this Court to dismiss all claims thereof in favor of Plaintiff and against Defendant Michael White, and for such other and further relief as this Court deems just and proper under the circumstances.

Respectfully submitted,

SCHOTTEL & ASSOCIATES, P.C.

BY: s/James W. Schottel, Jr.

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Attorney for Plaintiff  
Henry M. Davis

#### **CERTIFICATE OF SERVICE**

I hereby certify that on October 6, 2010, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

Peter J. Dunne  
dunne@rpslaw.com

Attorney for Defendants  
Michael White  
City of Ferguson, Missouri

s/James W. Schottel, Jr.